

WEDNESDAY, APRIL 24, 1991

THIRTY-NINTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Emerson Wiles, First Baptist Church, Fayetteville, Tennessee.

Representative Pete Phillips led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused pursuant to request(s) under Rule No. 20:

Representative Dixon; due to prior commitments in district.

Representative Armstrong; would be arriving late to session.

REPORT OF COMMITTEE ON CALENDAR AND RULES

April 23, 1991

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and, pursuant to Rule No. 49, the Committee unanimously

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suspended the rule to allow more than 25 bills to be on all future floor calendars this session.

We further report that we have set the following bills on the **Regular Calendar** for **Wednesday, April 24, 1991**: House Bill(s) No(s). 861, 763, 796, 774, 53, 1268, 882, 944, 558 and 559.

We have also set the following bills on the **Regular Calendar** for **Thursday, April 25, 1991**: House Bill(s) No(s). 1201, 1304, 1047, 39, 161, 1094, 1361 and 1429.

We have also set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 29, 1991**: House Bill(s) No(s). 951; House Joint Resolution(s) No(s). 238, 239 and 240; also, Senate Joint Resolution(s) No(s). 117.

We further report that the following was/were considered and failed to pass: House Joint Resolution No. 252.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

AGRICULTURE
April 23, 1991

MR. SPEAKER: Your Agriculture Committee reports that we have carefully considered and recommend for passage if amended: House Bill(s) No(s). 1380; for adoption: House Joint Resolution(s) No(s). 245 and 246.

RAY DAVIS, Chair.

Under the rules, with amendment(s): House Bill No. 1380; also, House Joint Resolution(s) No(s). 245 and 246 was/were transmitted to the Calendar and Rules Committee.

COMMERCE
April 23, 1991

MR. SPEAKER: Your Commerce Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1065.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 856.

RHINEHART, Chair.

Under the rules, House Bill(s) No(s). 1065 was/were transmitted to the Calendar and Rules Committee.

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Pursuant to **Rule No. 72**, the Speaker referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 856.

EDUCATION
April 23, 1991

MR. SPEAKER: Your Education Committee reports that we have carefully considered and recommend for adoption: House Joint Resolution(s) No(s). 242 and 243.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 1338; if amended: House Bill(s) No(s). 806 and 915.

DAVIDSON, Chair.

Under the rules, House Joint Resolution(s) No(s). 242 and 243 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1338; also, with amendment(s): House Bill(s) No(s). 806 and 915.

FINANCE, WAYS AND MEANS
April 23, 1991

MR. SPEAKER: Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 568, 819, 966, 1061 and 1440; for passage if amended: House Bill(s) No(s). 217 and 939.

BRAGG, Chair.

Under the rules, House Bill(s) No(s). 568, 819, 966, 1061 and 1440; with amendment(s): House Bill(s) No(s). 217 and 939 was/were transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS
April 23, 1991

MR. SPEAKER: Your Government Operations Committee reports that we have carefully considered and recommend for passage if amended: House Bill(s) No(s). 50, 155 and 248.

KING, Chair.

Under the rules, with amendment(s): House Bill(s) No(s). 50, 155 and 248 was/were transmitted to the Calendar and Rules Committee.

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STATE AND LOCAL GOVERNMENT

April 23, 1991

MR. SPEAKER: Your State and Local Government Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 337, 352, 385, 1058, 1138 and 1140; for passage if amended: Bill(s) No(s). 77, 264, 1141, 1288, 1308, 1309, 1323, 1355 and 1457; for adoption: House Joint Resolution(s) No(s). 247, 248, 249 and 256.

We further recommend that, pursuant to Rule No. 72, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 301, 345 and 1260.

LOVE, Chair.

Under the rules, House Bill(s) No(s). 337, 352, 385, 1058, 1138 and 1140; with amendment(s): House Bill(s) No(s). 77, 264, 1141, 1288, 1308, 1309, 1323, 1355 and 1457; also, House Joint Resolution(s) No(s). 247, 248, 249 and 256 was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred to the Finance, Ways and Means Committee with amendment(s): House Bill(s) No(s). 301, 345 and 1260.

TRANSPORTATION

April 23, 1991

MR. SPEAKER: Your Transportation Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1342; for passage if amended: House Bill(s) No(s). 1159; for adoption: House Joint Resolution(s) No(s). 276 and 280; for adoption if amended: House Joint Resolution(s) No(s). 67 and 234; for concurrence: Senate Joint Resolution(s) No(s). 106 and 162.

ROBB ROBINSON, Chair.

Under the rules, House Bill(s) No(s). 1342; with amendment(s): House Bill(s) No(s). 1159; House Joint Resolution(s) No(s). 276 and 280; with amendment(s): House Joint Resolution(s) No(s). 67 and 234; also, Senate Joint Resolution(s) No(s). 106 and 162 was/were transmitted to the Calendar and Rules Committee.

MESSAGE FROM THE SENATE

April 23, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 195, 198 and 199; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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Senate Joint Resolution No. 0195 -- Memorials, Heroism --
Lieutenant Mike Dover. by *Jordan, et al.

Senate Joint Resolution No. 0198 -- Memorials, Professional and
Business Achievement -- Kathy Bates, Academy Award Winner. by
*Cohen, *Kyle, Cooper.

Senate Joint Resolution No. 0199 -- Memorials, Sports -- Aquinas
Junior College Cavaliers, National Junior College Athletic
Association Basketball Tournament champions. by *Henry, Haynes,
Hicks.

MESSAGE FROM THE SENATE

April 23, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate
Bill(s) No(s). 176, 391, 795, 1146, 1170, 1309, 1402 and 1542;
passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 0176 -- Sunset Laws -- Extends termination date
of sentencing commission. Amends TCA, Title 4, Ch. 29; Title 40,
Chs. 34, 35, 37; Title 41, Ch. 21. by *Hicks, *Haynes.

***Senate Bill No. 0391 -- Crime, Victims of --** Requires district
attorney general to notify victim of parole eligibility hearing of
certain inmates. Amends TCA, Title 40. by *Crutchfield, *Gilbert,
*Crowe.

Senate Bill No. 0795 -- Motor Vehicles -- Prohibits transporting
certain persons in certain motor vehicles. Amends TCA, Title 55,
Ch. 8, Pt. 1. by *Cooper.

***Senate Bill No. 1146 -- Motor Vehicles, Titling and**
Registration -- Requires commercial motor vehicles to be titled in
county of main office or county of incorporation. Amends TCA
55-4-105. by *Haynes.

Senate Bill No. 1170 -- Public Officials -- Increases penalty
for filing false fee statements from Class E to Class D felony.
Amends TCA, Title 8. by *Cooper, Darnell.

***Senate Bill No. 1309 -- Real Estate Agents and Brokers --**
Delays requirement of licensure for real estate appraisers from July
1, 1991 to December 31, 1991. Amends TCA, Title 62, Ch. 39. by
*McKnight.

***Senate Bill No. 1402 -- Public Records --** Authorizes
destruction of certain records without necessity of duplication by
county public records commission. Amends TCA 10-7-403, 404, 406,
411, 413, 10-7-502, 503. by *Crutchfield.

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***Senate Bill No. 1542 -- Metropolitan Government -- Authorizes Nashville-Davidson County to have metropolitan hospital authority. Amends TCA, Title 7, Ch. 57. by *Harper.**

**ENROLLED BILLS
April 23, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 27, 156, 623, 717, 855, 937, 1151, 1240 and 1282; House Resolution(s) No(s). 59, 60, 61, 62, 63, 64 and 68; also, House Joint Resolution(s) No(s). 118, 241, 244, 250 and 251; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
April 24, 1991**

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar for Thursday, April 25, 1991**: House Bill(s) No(s). 347, 379, 519, 275, 495, 1118, 1306, 1193, 405, 57, 662, 1077, 1078 and 972; House Resolution(s) No(s). 39; House Joint Resolution(s) No(s). 190; House Bill(s) No(s). 1105; House Joint Resolution(s) No(s). 157; also, House Bill(s) No(s). 1359.

We have met and set the following bill(s) and/or resolution(s) on the **Special Consent Calendar for Wednesday, April 24, 1991**: House Joint Resolution(s) No(s). 16, 33, 34, 106, 131, 269 and 279; House Resolution(s) No(s). 11, 24 and 58; Senate Joint Resolution(s) No(s). 56; also, House Joint Resolution(s) No(s). 100.

We have also set the following bill(s) and/or resolution(s) on the **Consent Calendar for Monday, April 29, 1991**: House Bill(s) No(s). 274 and 637.

We further report that, pursuant to Rule No. 72, House Bill No. 381 was referred to the Finance, Ways and Means Committee.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

**CONSERVATION AND ENVIRONMENT
April 24, 1991**

MR. SPEAKER: Your Conservation Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1563; for passage if amended: House Bill(s) No(s). 60.

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We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means if amended: House Bill(s) No(s). 1089 and 1252.

HILLIS, Chair.

Under the rules, House Bill(s) No(s) 1563; with amendment(s): House Bill(s) No(s). 60 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred to the Finance, Ways and Means Committee with amendment(s): House Bill(s) No(s). 1089 and 1252.

HEALTH AND HUMAN RESOURCES

April 24, 1991

MR. SPEAKER: Your Health and Human Resources Committee reports that we have carefully considered and recommend for passage if amended: House Bill(s) No(s). 215 and 1155; for adoption: House Joint Resolution(s) No(s). 122 and 128; for concurrence if amended: Senate Joint Resolution(s) No(s). 114.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means if amended: House Bill(s) No(s). 517, 907, 1010 and 1114.

DIXON, Chair.

Under the rules, with amendment(s): House Bill(s) No(s). 215 and 1155; House Joint Resolution(s) No(s). 122 and 128; with amendment(s): Senate Joint Resolution(s) No(s). 114 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred to the Finance, Ways and Means Committee with amendment(s): House Bill(s) No(s). 517, 907, 1010 and 1114.

JUDICIARY

April 24, 1991

MR. SPEAKER: Your Judiciary Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1135, 1383, 1393 and 1567; for passage if amended: House Bill(s) No(s). 703, 973, 1085, 1433 and 1434.

BUCK, Chair.

Under the rules, House Bill(s) No(s). 1135, 1383, 1393 and 1567; with amendment(s): House Bill(s) No(s). 703, 973, 1085, 1433 and 1434 was/were transmitted to the Calendar and Rules Committee.

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CONSENT CALENDAR

House Resolution No. 0066 -- Memorials, Sports -- Tommy Ramsey, Grundy County High School, basketball accomplishments.

House Resolution No. 0067 -- Memorials, Professional and Business Achievement -- Margaret Holmes, TEA Distinguished Classroom Teacher Award.

House Joint Resolution No. 0273 -- Memorials, Recognition and Thanks -- CLUE, 20th Anniversary.

House Joint Resolution No. 0275 -- Memorials, Professional and Business Achievement -- Michael Smith, 1991 Professional Teacher Excellence Award.

House Joint Resolution No. 0277 -- Memorials, Sports -- Northside High School girls' basketball team.

House Joint Resolution No. 0278 -- Memorials, Recognition and Thanks -- The Williams Family, The Paris Post Intelligencer.

House Joint Resolution No. 0282 -- Memorials, Interns -- Theresa L. Morgan.

House Joint Resolution No. 0283 -- Memorials, Interns -- James Lee Collier.

House Joint Resolution No. 0284 -- Memorials, Interns -- Martin Wesley Stephens.

House Joint Resolution No. 0285 -- Memorials, Interns -- Angela Denise Green.

House Joint Resolution No. 0286 -- Memorials, Interns -- Michelle Lynette Carver.

House Joint Resolution No. 0287 -- Memorials, Interns -- Ronald "Scott" Morrow.

House Bill No. 1571 -- Athens -- Revises charter. Amends Chapter 455, Private Acts of 1953, as amended.

House Bill No. 1580 -- McMinn County -- Specifies procedures for county road designations.

House Bill No. 1584 -- Brownsville -- Provides new charter. Repeals Chapter 398, Private Acts of 1943, as amended.

House Bill No. 1588 -- Polk County -- Revises amusement tax. Amends Chapter 2, Private Acts of 1981, as amended.

Senate Joint Resolution No. 0187 -- Memorials, Sports -- Martin Luther King School boys' basketball team, TSSAA state champions.

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Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

***Senate Bill No. 0143** -- Coroners -- Clarifies authority of county medical examiner to permit removal of corneal tissue in certain circumstances. Amends TCA 38-7-106, 68-30-204.

Further consideration of Senate Bill No. 143, previously considered on April 11, 1991, at which time it is was substituted for House Bill No. 553 and reset to the Calendar for April 17 and April 24, 1991.

Rep. Halteman moved that **Senate Bill No. 143** be passed on third and final consideration.

Rep. Herron moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 143 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 68-30-204, is amended by adding the following language as a new subdivision (3), and by redesignating subdivisions (3)

and (4), as subdivisions (4) and (5) respectively:

(3) A reasonable effort is made by an eye bank employee or its designee to ascertain the identity of the persons listed in subsection (2) and to determine if there is an objection. Such effort shall continue until further delay of necessary procedures would violate the time prescribed by existing medical standards to receive tissue for eyesight restoring transplants.

On motion, Amendment No. 1 was adopted.

Rep. Halteman moved that **Senate Bill No. 143** be passed on third and final consideration.

Rep. Herron moved the previous question, to which Rep. Bragg objected. The previous question motion prevailed.

Thereupon, Rep. Halteman moved that **Senate Bill No. 143**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	83
Noes.	4
Present and not voting.	8

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Duer, Ferguson, Fowlkes, Garrett, Gunnels, Haley, Halteman, Hargrove, Harriil, Hassell, Haun, Head, Herron, Hill, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wood, Mr. Speaker Naifeh -- 83.

Representatives voting no were: Davis (Knox), Givens, Rhinehart, Winningham -- 4.

Representatives present and not voting were: Bragg, DeBerry, Jones U (Shelby), McAfee, Purcell, Robinson (Davidson), Turner (Hamilton), Wix -- 8.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Tindell moved that the rules be suspended for the purpose

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of introducing House Joint Resolution No. 294 out of order, which motion prevailed.

House Joint Resolution No. 0294 -- Memorials, Public Service -- Lila Wilson, Governor's Conference on Aging. by *Tindell.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Tindell, the resolution was adopted.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

***House Bill No. 0514** -- Highways, Roads and Bridges -- Increases minimum distance between scenic highways and junkyards and advertising structures. Amends TCA, Title 54, Ch. 17.

Rep. Bragg moved that House Bill No. 514 be reset to the Calendar for Monday, April 29, 1991, which motion prevailed.

***Senate Bill No. 0026** -- Dams -- Revises Safe Dams Act to establish liability for maintenance of roadways on certain dams. Amends TCA, Title 69, Ch. 12, Pt. 1.

Further consideration of Senate Bill No. 26, previously considered on April 17, 1991, at which time it was substituted for House Bill No. 188, Amendment No. 1 was withdrawn, and it was reset to the Calendar for April 24, 1991.

Rep. Huskey moved that **Senate Bill No. 26** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	80
Noes.	7

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hassell, Haun, Head, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Coffey, DeBerry, Hill, Knight, Liles, Turner (Shelby), Winningham -- 7.

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A motion to reconsider was tabled.

House Bill No. 0641 -- Hotels and Restaurants -- Requires immediate suspension of permit to operate on discovery of certain misconduct. Amends TCA, Title 68, Ch. 14.

Rep. L. Turner (Shelby) moved that House Bill No. 641 be reset to the Calendar for Monday, April 29, 1991, which motion prevailed.

***House Bill No. 0312** -- Taxes, Gasoline, Petroleum Products -- Increases gas tax by 1 cent. Amends TCA, Title 67, Ch. 3.

Rep. Bragg moved that House Bill No. 312 be passed on third and final consideration.

Rep. Bragg moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 312 by deleting Sections 1 and 2 of the printed bill and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-3-810, is amended by deleting the first sentence of subsection (c) and substituting instead the following:

Limited users whose tax liability to the department of revenue for the six (6) consecutive months immediately preceding has averaged less than the tax due on eight hundred fifty (850) gallons per month may be permitted to file returns and make remittances thereon on a quarterly basis.

Section 2. Tennessee Code Annotated, Section 67-3-810, is further amended by adding the following new subsection:

() Limited users whose tax liability to the department of revenue is less than the tax due on three thousand six hundred (3,600) gallons for the immediately preceding year may be permitted to file returns and make remittances on an annual basis with the tax period ending on December 31. For limited users with less than one (1) year's report history, the commissioner may grant permission based on the limited user's application. Annual returns and remittances thereon shall be filed not later than March 31 following the close of the calendar year. Authorization to make annual filings shall be withdrawn by the commissioner if, for the last annual period on file, the taxpayer's liability exceeds the tax due on three thousand six hundred (3,600) gallons of fuel.

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Section 3. This act shall take effect July 1, 1991, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Bragg moved that **House Bill No. 312**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	1

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Pruitt -- 1.

A motion to reconsider was tabled.

SPECIAL CONSENT CALENDAR

***House Joint Resolution No. 0016** -- General Assembly, Studies -- Continues HJR 588 to study ways to improve and expand community education.

***House Joint Resolution No. 0033** -- General Assembly, Studies -- Creates special joint committee to study issues relative to units of local government.

***House Joint Resolution No. 0034** -- General Assembly, Studies -- Continues HJR 25 to study responsibility of local government to enact and administer local building, zoning and other regulatory codes.

***House Joint Resolution No. 0100** -- General Assembly, Studies -- Creates committee to study notaries public.

***House Joint Resolution No. 0106** -- General Assembly, Studies -- Continues certain joint study committees created by 96th General Assembly.

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Rep. DeBerry moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 106 by deleting the punctuation and word "; and" which appears at the end of item (1) of the first resolving clause and by substituting instead a semicolon ";".

AND FURTHER AMEND by deleting the period "." which appears at the end of item (2) of the first resolving clause and by substituting instead the punctuation and word "; and".

AND FURTHER AMEND by adding the following language to the end of the first resolving clause:

- (3) The Special Joint Committee to Study Tennessee's Tax System, created by Senate Joint Resolution No. 75 of the Ninety-sixth General Assembly.

***House Joint Resolution No. 0131** -- General Assembly, Studies -- Creates task force on disadvantaged African American men.

Rep. DeBerry moved adoption of Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 131 by placing a period after the words "Speaker of the House of Representatives" in the third resolving clause, and by deleting the remainder of such resolving clause.

***House Joint Resolution No. 0269** -- General Assembly, Studies -- Creates joint committee to study contracting out of state personnel and other services.

Rep. DeBerry moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 269 by inserting a new resolving clause between the first and second resolving clauses of the printed resolution:

BE IT FURTHER RESOLVED, That the committee shall examine whether private service providers meet the same licensing and experience requirements which state employees or agencies performing these services would have to meet and whether the privately provided services are performed to the same standard and degree of care which would apply if they were performed by state employees;

Rep. DeBerry moved adoption of Amendment No. 2 as follows:

Amendment No. 2

Amend House Joint Resolution No. 269 by adding the following sentence to the end of the first resolving clause:

The special joint committee shall be composed of one additional member who shall be an employee of the department of finance and administration, who shall be appointed to serve on the committee by the commissioner, and who shall be knowledgeable on matters pertaining to the contracting of state services to private industry.

***House Joint Resolution No. 0279** -- General Assembly, Studies -- Continues SJR 440 to study desirability and feasibility of establishing statewide program of general public assistance.

***House Resolution No. 0011** -- General Assembly, Studies -- Continues certain committees created by house of representatives of 96th General Assembly.

***House Resolution No. 0024** -- General Assembly, Studies -- Continues HJR 43 to study AFDC public assistance.

***House Resolution No. 0058** -- General Assembly, Studies -- Continues committee to study structure and procedures of the House.

***Senate Joint Resolution No. 0056** -- General Assembly, Studies -- Continues SJR 455 to study rising health care costs.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Special Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood

94.

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Representatives present and not voting were: Walley, Mr. Speaker Naifeh -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on Special Consent Calendar and have this statement entered in the Journal.

Rep. Micheal Williams

REGULAR CALENDAR, CONTINUED

*House Bill No. 1173 -- Medicine, Practice of -- Requires physicians and surgeons to disclose certain interests in medical equipment or facilities in certain circumstances. Amends TCA, Title 63.

Rep. Herron moved that House Bill No. 1173 be passed on third and final consideration.

Rep. Pruitt moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1173 by deleting all of the language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 63, Chapter 6, is amended by adding the following language as new appropriately designated sections:

Section ____.

(a) Physicians are free to enter lawful contractual relationships, including the acquisition of ownership interests in health facilities or equipment or pharmaceuticals, but these can create potential conflicts of interest.

(b) The potential conflict of interest shall be addressed by the following:

(1) The physician has a duty to disclose to the patient or referring colleagues his or her ownership interest in the facility or therapy at the time of referral and prior to utilization;

(2) The physician shall not exploit the patient in any way, as by inappropriate or unnecessary utilization;

(3) The physician's activities shall be in strict conformity with the law;

(4) The patient shall have free choice either to use the physician's proprietary facility or therapy or to seek the needed medical services elsewhere; and

(5) When a physician's commercial interest conflicts so greatly with the patient's interest as to be incompatible, the physician shall make alternative arrangements for the care of the patient.

(c) The board shall have the authority to promulgate rules and regulations to effectuate the provisions of this section.

Section _____. This act shall take effect July 1, 1991, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Herron moved to amend as follows:

Amendment No. 2

AMEND House Bill No. 1173 by deleting the final amendatory Section _____. of Section 1 as amended, such Section _____. being the effective date section, and substituting instead the following:

Section _____. This act shall take effect on January 1, 1992, the public welfare requiring it.

FURTHER AMEND by adding the following new Section _____. to the amendatory language of Section 1 as amended, such new Section _____. to be the first such Section _____.:

Section _____. This act shall be known as the "Physicians' Conflict of Interest Disclosure Act of 1991".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Herron moved that **House Bill No. 1173**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	93
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Harrill -- 1.

A motion to reconsider was tabled.

House Bill No. 1388 -- Ethics -- Prohibits disqualification of member of local governing body from employment as court reporter in matters involving member. Amends TCA, Title 12, Ch. 4, Pt. 1.

On motion, House Bill No. 1388 was made to conform with Senate Bill No. 53.

On motion, **Senate Bill No. 53**, on same subject, was substituted for House Bill No. 1388.

Rep. Bell moved that **Senate Bill No. 53** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood,

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Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 53 and have this statement entered in the Journal.

Rep. H.E. Bittle

REGULAR CALENDAR, CONTINUED

House Bill No. 0566 -- County Government -- Permits certain county commissioners to set term of office for emergency community district boards. Amends TCA 7-86-105.

Rep. Givens moved that House Bill No. 566 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 566 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 7-86-105(b), is amended by adding the following language as a new subdivision:

(4) Notwithstanding the provisions of this subsection to the contrary, in any county having a population of not less than forty-three thousand seven hundred (43,700) nor more than forty-three thousand eight hundred (43,800), according to the 1980 federal census or any subsequent federal census, the legislative body may appoint an additional two (2) members to the board of directors for an initial term of (2) years. Each term thereafter of such members shall be for a period of four (4) years.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Givens moved that **House Bill No. 566**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 0963 -- Private Investigators -- Revises maximum fee for license. Amends TCA, Title 62, Ch. 26, Pt. 2.

Rep. Davis (Knox) moved that House Bill No. 963 be reset one week to the Calendar for May 1, 1991, which motion prevailed.

House Bill No. 0823 -- Home Improvement Contractors -- Redefines "home improvement"; revises membership of home improvement commission; abolishes Home Improvement Guaranty Fund. Amends TCA, Title 62, Ch. 37.

Rep. Byrd moved that House Bill No. 823 be reset to the Calendar for Monday, April 29, 1991, which motion prevailed.

House Bill No. 0699 -- Unemployment Compensation -- Requires employers to notify employees of lack of coverage. Amends TCA, Title 50, Ch. 7.

Rep. Bivens moved that House Bill No. 699 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

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Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 699 and have this statement entered in the Journal.

Rep. Peggy Knight

REGULAR CALENDAR, CONTINUED

House Joint Resolution No. 0146 -- Memorials, Government Officials -- Urges Tennessee Wildlife Resources Commission to increase length of Canada Goose hunting season in Lauderdale and Dyer counties.

Rep. Crain moved that House Joint Resolution No. 146 be adopted, which motion prevailed.

A motion to reconsider was tabled.

***House Bill No. 0581** -- Accountants -- Establishes quality review committee to review certain professional accountancy work. Amends TCA, Title 62, Ch. 1.

On motion, House Bill No. 581 was made to conform with Senate Bill No. 1069.

On motion, **Senate Bill No. 1069**, on same subject, was substituted for House Bill No. 581.

Rep. McDaniel moved that **Senate Bill No. 1069** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	94
Noes.	0
Present and not voting.	3

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Allen, Sipes, Winningham -- 3.

A motion to reconsider was tabled.

**REMARKS
on House Bill 581**

by Bill Sipes

A portion of my livelihood is obtained from the practice of public accountancy. Unlike other prior accountancy bills I have supported, this bill may potentially effect my accountancy practice.

Even though, I never expect to have a conflict of interest under this bill, the potential does exist, and I therefore will be voting "present not voting".

REGULAR CALENDAR, CONTINUED

***House Joint Resolution No. 0236** -- General Assembly, Studies -- Creates joint study committee to evaluate planning measures employed for state funded food service facilities.

Rep. McDaniel moved that **House Joint Resolution No. 236** be adopted, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee,

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Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on House Joint Resolution No. 236 and have this statement entered in the Journal.

Rep. Mayo Wix

REGULAR CALENDAR, CONTINUED

***House Joint Resolution No. 0237** -- General Assembly, Studies -- Creates joint study committee relative to jury selection and service.

Rep. Chumney moved that House Joint Resolution No. 237 be adopted, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

WEDNESDAY, APRIL 24, 1991 -- THIRTY-NINTH LEGISLATIVE DAY

House Bill No. 1307 -- Consumer Protection -- Makes certain disclosure applicable to sales of books, records, videos or magazines. Amends TCA 47-18-104.

On motion, House Bill No. 1307 was made to conform with Senate Bill No. 240.

On motion, **Senate Bill No. 240**, on same subject, was substituted for House Bill No. 1307.

Rep. Kisber moved that **Senate Bill No. 240** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Holcomb -- 1.

Representatives present and not voting were: Stamps -- 1.

A motion to reconsider was tabled.

***House Bill No. 0935** -- Public Officials -- Provides procedure for removal of certain government officials. Amends TCA, Title 8, Ch. 47.

Further consideration of House Bill No. 935, previously considered on April 22, 1991, at which time it was reset to the Calendar for April 24, 1991.

Rep. Buck moved that House Bill No. 935 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

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Rep. Buck moved that House Bill No. 935 be passed on third and final consideration.

Rep. Purcell moved the previous question, which motion prevailed.

Thereupon, Rep. Buck moved that **House Bill No. 935** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	4
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Chiles, Davidson, Holcomb, Shirley -- 4.

Representatives present and not voting were: Pruitt, Rhinehart, Windle -- 3.

A motion to reconsider was tabled.

House Bill No. 1409 -- Taxes, Amusement -- Authorizes imposition of local amusement tax in Knoxville and Knox County. Repeals Chapter 776, Private Acts of 1947.

Further consideration of House Bill No. 1409, previously considered on March 3 and 6 and April 22, 1991, at which time it was reset to the Calendar for April 24, 1991.

On motion, House Bill No. 1409 was made to conform with Senate Bill No. 1373.

On motion, **Senate Bill No. 1373**, on same subject, was substituted for House Bill No. 1409.

Rep. Davis (Knox) moved that **Senate Bill No. 1373** be passed on third and final consideration.

Rep. Davis (Knox) moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1373 by deleting subsection (d) from the amendatory language of Section 4 in its entirety and by substituting instead the following:

(d) On admission to events, other than regular season varsity intercollegiate and professional athletic events, held in a sports assembly center seating more than fifteen thousand (15,000) persons, a municipally owned civic auditorium/coliseum building, world's fair park, and any site seating more than fifteen hundred (1,500) persons.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Davis (Knox) moved that **Senate Bill No. 1373**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	87
Noes.	1
Present and not voting.	8

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Herron -- 1.

Representatives present and not voting were: Arriola, Haun, Johnson, Knight, Liles, Tullos, Walley, Williams (Union) -- 8.

A motion to reconsider was tabled.

***House Joint Resolution No. 0046 -- General Assembly, Studies --** Creates joint committee to study reducing certain AFDC benefits for unexcused absences from school in certain circumstances.

Further consideration of House Joint Resolution No. 46, previously considered on April 22, 1991, at which time it was reset to the Calendar for April 24, 1991.

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Rep. U. Jones moved that House Joint Resolution No. 46 be reset three weeks to the Calendar for Wednesday, May 15, 1991, which motion prevailed.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 1294 -- Racing -- Restricts motor vehicle racing in certain counties. Amends TCA, Title 55, Ch. 22.

On motion, House Bill No. 1294 was made to conform with Senate Bill No. 1349.

On motion, **Senate Bill No. 1349**, on same subject, was substituted for House Bill No. 1294.

Rep. Davis (Cocke) moved that **Senate Bill No. 1349** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Davis (Cocke) moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 1349 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 55, Chapter 22, is amended by adding the following language as a new, appropriately designated section:

(a)(1) In any county which is a tourist resort county, motor vehicle racing may be permitted on not more than three (3) days a week. If racing is conducted for three (3) days a week, one of the days shall be Sunday.

(2) For the purpose of this act, "tourist resort county" means a county having two (2) or more municipalities in which at least forty percent (40%) of the assessed valuation of the real property in such municipalities consists of hotels, motels, restaurants and similar businesses serving traveling persons as shown by the tax assessment records of such county.

(b)(1) No racing shall be conducted after eleven p.m. (11:00 p.m.). At the conclusion of a racing

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event, the track management shall encourage all participants and patrons to vacate the premises by not later than eleven thirty p.m. (11:30 p.m.).

(2) No racing shall be conducted except between twelve noon (12:00 noon) and six p.m. (6:00 p.m.) on a Sunday. At the conclusion of a Sunday racing event, the track management shall encourage all participants and patrons to vacate the premises by not later than six thirty p.m. (6:30 p.m.).

(c) A violation at any track of any condition of a license is punishable by a civil penalty of not more than five hundred dollars (\$500).

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Davis (Cocke) moved that **Senate Bill No. 1349**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	89
Noes.	4
Present and not voting.	2

Representatives voting aye were: Allen, Armstrong, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Anderson, Arriola, Ferguson, Windle -- 4.

Representatives present and not voting were: Gunnels, Liles -- 2.

A motion to reconsider was tabled.

House Bill No. 0796 -- Pensions and Retirement Benefits -- Authorizes death and disability benefits for certain inactive

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members. Amends TCA, Title 8, Ch. 36, Pt. 1.

Rep. Rhinehart moved that **House Bill No. 796** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	84
Noes.	3
Present and not voting.	6

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Cole, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Fowlkes, Garrett, Givens, Gunnels, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McDaniel, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Haley, Joyce, Meyer -- 3.

Representatives present and not voting were: Arriola, Ferguson, Holcomb, Liles, McKee, Windle -- 6.

A motion to reconsider was tabled.

***House Bill No. 0763** -- Taxes, Gasoline, Petroleum Products -- Penalizes late filing of documentation of petroleum products shipped outside state by reducing tax credit by 5 percent increments for each month past filing deadline. Amends TCA 67-3-910.

On motion, House Bill No. 763 was made to conform with Senate Bill No. 1418.

On motion, **Senate Bill No. 1418**, on same subject, was substituted for House Bill No. 763.

Rep. Rhinehart moved that **Senate Bill No. 1418** be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1418 by adding in the amendatory language of Section 1 after wherever the language "credit" may appear, the language "or refund claim".

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AND FURTHER AMEND in Section 2 by inserting between the words "to" and "credits" the words "refund claims and".

On motion, Amendment No. 1 was adopted.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 2.

Thereupon, Rep. Rhinehart moved that **Senate Bill No. 1418**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Winningham -- 1.

A motion to reconsider was tabled.

House Bill No. 0774 -- Parks, Natural Areas Preservation -- Enacts "State and Local Parks and Recreation Partnership Act of 1991". Amends TCA, Title 67, Ch. 4.

Rep. Odom moved that House Bill No. 774 be passed on third and final consideration.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 774 by deleting the language "Four cents (4¢)" in the amendatory language of the original Section 3 and by substituting instead the language "Three and one-fourth cents (3.25¢)".

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AND FURTHER AMEND by deleting the language "Two cents (2¢)" in subdivision (1) of the amendatory subsection in the original Section 4 and by substituting instead the language "One and three-fourths cents (1.75¢)".

AND FURTHER AMEND by adding the following at the end of subdivision (2) of the amendatory subsection in the original Section 4:

At least sixty percent (60%) of the funds allocated annually shall go to municipal governments.

AND FURTHER AMEND by adding the following at the end of subdivision (4) of the amendatory subsection in the original Section 4:

Rather than providing matching money, the local government may also provide as all or part of its match volunteer services, materials, and equipment which are donated to the local government by a third party at the time the state grant is made, which are used for trail construction or other development on the tract of land for which the state grant is sought, and which are valued in a manner specified by the department.

AND FURTHER AMEND by deleting the language "Two cents (2¢)" in the amendatory subdivision (1) in the original Section 5 and by substituting instead the language "One and one-half cents (1.5¢)".

AND FURTHER AMEND by adding the following at the end of the amendatory language of the original Section 5:

(3) The first three hundred thousand dollars (\$300,000) deposited in the State Lands Acquisition Fund shall be transferred and credited to the compensation fund created under Tennessee Code Annotated, Section 11-14-406. Following the procedure set forth in that section, the commissioner of finance and administration shall annually reimburse each city and county the amount of lost property tax revenue resulting from any purchase of land by the department of conservation which renders such land tax exempt.

AND FURTHER AMEND by deleting the original Section 7 in its entirety and by substituting instead the following:

SECTION 7. Tennessee Code Annotated, Section 67-4-409, is amended by adding the following language as a new, appropriately designated subsection:

()

(1) One and one-half cents (1.5¢) of the tax levied by subsection (a) shall be credited to a

special agency account in the state general fund known as the "Agricultural Nonpoint Water Pollution Control Fund". Expenditures from such fund shall be made only to implement and carry out the purposes set forth in subdivision (2) of this subsection. Funds deposited in such fund shall not revert at the end of any fiscal year, and all interest accruing on investments and deposits of the fund not otherwise expended shall be returned to and made a part of the fund.

(2) The commissioner of agriculture shall expend the funds which are deposited in the Agricultural Nonpoint Water Pollution Control Fund to implement the goals and programs for the abatement of pollution caused by agricultural activities, which are described in the Nonpoint Source Water Pollution Management Program for the State of Tennessee which was submitted to the United States Environmental Protection Agency pursuant to Section 319 of the 1987 Federal Clean Water Act. The commissioner of agriculture shall promulgate regulations to implement the provisions of this section.

(3) Expenditures from the Agricultural Nonpoint Water Pollution Control Fund shall be made only for the implementation of those on-the-ground best management practices which contribute to the abatement of agricultural pollution and improvement of water quality; provided, however, the commissioner of agriculture may spend up to five percent (5%) of the annual appropriations from this fund on education of landowners concerning pollution abatement.

(4) The commissioner of agriculture shall seek advice from the commissioner of conservation in determining the most effective ways to abate nonpoint pollution from agricultural activities.

SECTION 8.

(a) By February 1 of every odd-numbered year (beginning in 1993), the commissioner of conservation shall file with the House Conservation and Environment Committee, and the Senate Energy and Natural Resources Committee a report detailing expenditures made from the State Lands Acquisition Fund and grants made to local governments from the local Parks Land Acquisition Fund.

(b) By February 1 of every odd-numbered year (beginning in 1993), the Wildlife Resources Commission

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shall file with the House Conservation and Environment Committee, and the Senate Energy and Natural Resources Committee a report detailing expenditures made from the Wetlands Acquisition Fund.

(c) By February 1 of every odd-numbered year (beginning in 1993), the commissioner of agriculture shall file with the House Conservation and Environment Committee, and the Senate Energy and Natural Resources Committee a report detailing expenditures made from the Agricultural Nonpoint Water Pollution Control Fund.

(d) Once every five (5) years (beginning in 1996), the commissioner of conservation and the Wildlife Resources Commission shall reevaluate their land acquisition goals and priorities and shall incorporate their findings and conclusions into a written plan. This plan shall be submitted to the House Conservation and Environment Committee, and the Senate Energy and Natural Resources Committee, which shall conduct public hearings on the plan.

(e) Once every five (5) years (beginning in 1996), the commissioner of agriculture shall reevaluate the goals and programs for the abatement of pollution caused by agriculture activities and shall incorporate the findings and conclusions of such reevaluation into a written plan. This plan shall be submitted to the House Conservation and Environment Committee, and the Senate Energy and Natural Resources Committee, which shall hold public hearings on the plan.

SECTION 9. The commissioner of conservation and the Wildlife Resources Commission shall establish policies for the management of land acquired with funds from the State Lands Acquisition Fund and the Wetlands Acquisition Fund, which policies shall be designed to foster a good relationship with nearby private landowners and to prevent adverse impacts on adjoining property. These policies shall be publicized to nearby private landowners.

SECTION 10. It is the intention of this act to increase the tax in Tennessee Code Annotated, Section 67-4-409(a) to provide funding for programs pursuant to the provisions of this act. It is not the intention of this act to reduce or affect any other increase in such tax which may be enacted during this session.

SECTION 11. This act shall take effect July 1, 1991, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

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Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 774 by deleting subdivision (2) of the amendatory subsection in the original Section 4 and by substituting instead the following:

(2) The commissioner of conservation, the commissioner of agriculture and the director of the wildlife resources agency shall jointly establish priorities for the appropriate allocation of funds deposited in the Local Parks Land Acquisition Fund. No project shall receive any such funds unless each such official has approved such expenditure. Such officials shall consider applications from county and municipal governments throughout the state.

AND FURTHER AMEND by deleting the words "from the commissioner of conservation" in the second sentence of subdivision (4) of the amendatory subsection in the original Section 4.

AND FURTHER AMEND by deleting subdivisions (5) and (6) of the amendatory subsection in the original Section 4 and by substituting instead the following:

(5) If an application from a county or municipal government has been submitted for a grant from the local Parks Land Acquisition Fund and the county or municipal government subsequently purchases the land or constructs the trail for which the grant was sought before the grant is acted upon, the grant may still be awarded as a reimbursement, provided the application was submitted by the local government no more than twelve (12) months prior to the award of the grant.

(6) The commissioner of conservation, the commissioner of agriculture and the director of the wildlife resources agency may promulgate regulations to implement this section.

AND FURTHER AMEND by adding the following at the end of the amendatory language of the original Section 5.

() The commissioner of conservation, the commissioner of agriculture and the director of the wildlife resources agency shall jointly establish priorities for the appropriate allocation of funds deposited in the State Lands Acquisition Fund. No project shall receive any such funds unless each such official has approved such expenditure. The commissioner of agriculture, the commissioner of conservation and the director of the wildlife resources agency may promulgate regulations to implement this section.

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AND FURTHER AMEND by deleting the last sentence of subdivision (2) of the amendatory subsection in the amended Section 7 and substituting instead the following:

The commissioner of conservation, the commissioner of agriculture and the director of the wildlife resources agency shall jointly establish priorities for the appropriate allocation of funds deposited in the Agricultural Nonpoint Water Pollution Control Fund. No project shall receive any such funds unless each such official has approved such expenditure. The commissioner of agriculture, the commissioner of conservation and the director of the wildlife resources agency may promulgate regulations to implement this section.

On motion, Amendment No. 2 was adopted.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 774 by adding the following at the end of the amendatory language of the original Section 3:

Provided, however, that such funds shall not be obligated or expended to acquire any interest in real property through condemnation or the power of eminent domain.

AND FURTHER AMEND by adding the following at the end of the amendatory subsection in the original Section 4:

(7) No funds deposited in the Local Parks Land Acquisition Fund from the tax levied by subsection (a) shall be obligated or expended to acquire any interest in real property through condemnation or the power of eminent domain.

AND FURTHER AMEND by adding the following at the end of the amendatory subdivision (2) in the original Section 5:

No funds deposited in the State Lands Acquisition Fund from the tax levied by subsection (a) shall be obligated or expended to acquire any interest in real property through condemnation or the power of eminent domain.

On motion, Amendment No. 3 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 4

AMEND House Bill No. 774 in Section 2 of the printed bill by deleting the words and figures "thirty-two cents (32¢)" and by substituting instead the words and figures "thirty-two and one-half cents (32 1/2¢)".

AND FURTHER AMEND by redesignating Sections 7 of the printed bill to be Sections 8 and by adding a new Section 7, as follows:

SECTION 7. Tennessee Code Annotated, Section 67-4-409(a), is further amended by adding a new subdivision thereto, as follows:

(7)

(A) Before the allocation provided for in Section 13-23-402, is made of the tax imposed in subsection (a), one-half cent (1/2¢) of such tax shall be set aside and used for the sole purpose of providing funding to implement the supportive housing program recommended by the legislative subcommittee on the homeless, established by House Joint Resolution 511 of the Ninety-Fifth General Assembly and continued by Senate Joint Resolution 171 of the Ninety-Sixth General Assembly, and detailed in its report.

(B) "Supportive housing" includes a range of transitional and permanent housing options for groups who require supportive services over a longer period of time to maintain independence. Such groups may include the chronic mentally ill, the elderly, the physically disabled, chronic substance abusers, and single-parent families.

(C) Funds for supportive housing are to be made available through "Letters of Commitment" from the state to applicants who are successful in winning discretionary grants through the McKinney Act Housing Programs or foundations funding supportive housing programs. Applicants may request a "Letter of Commitment" for up to fifty thousand dollars (\$50,000), to help meet the match requirement of such grant programs. The amount requested from the state fifty thousand dollars (\$50,000) maximum will represent no more than twenty-five percent (25%) of the total federal or foundation grant request, thereby encouraging the maximum leverage of available federal or foundation funds. Funds described in the "Letter of Commitment" will be released to the successful applicant upon written notification of their grant award from HUD or the

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foundation to which they made their supportive housing application.

(D) Funds generated by the one-half cent (1/2¢) set aside shall be paid over to the department of finance and administration to be held in a special account for the purpose of the supportive housing initiative administered through the Inter-Departmental Council on Homelessness. Any unused funds from this program shall revert back to THDA's H.O.U.S.E. program.

Rep. Odom moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes.	47
Noes.	44
Present and not voting.	3

Representatives voting aye were: Bittle, Callicott, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Garrett, Givens, Gunnels, Halteman, Hargrove, Head, Herron, Hillis, Holt, Jackson, Kernell, McDaniel, Moore, Napier, Nuber, Odom, Pinion, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Washington), Severance, Sipes, Stamps, Tullos, Turner (Hamilton), Walley, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 47.

Representatives voting no were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Cole, Davidson, DeBerry, Ferguson, Fowlkes, Haley, Harrill, Hassell, Haun, Hill, Holcomb, Johnson, Jones R (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, McKee, Meyer, Niceley, Peroulas Draper, Phillips, Pruitt, Rigsby, Robinson (Davidson), Robinson (Hamilton), Shirley, Tindell, Turner (Shelby), West, Whitson, Winningham -- 44.

Representatives present and not voting were: Hubbard, Love, Venable -- 3.

Rep. Armstrong moved to amend as follows:

Amendment No. 5

Amend House Bill No. 774 by deleting in item (3) of Section 4 the language "trail development" and by substituting instead the language "trail development and capital projects".

On motion, Amendment No. 5 was adopted by the following vote:

Ayes.	54
Noes.	38
Present and not voting.	3

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Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bivens, Buck, Byrd, Chumney, Coffey, Cole, Crain, Cross, Curlee, Davis (Gibson), Davis (Knox), DeBerry, Garrett, Givens, Halteman, Hill, Holcomb, Holt, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Liles, Love, McAfee, Meyer, Moore, Napier, Odom, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), West, Williams (Shelby), Windle, Winningham, Mr. Speaker Naifeh -- 54.

Representatives voting no were: Anderson, Bittle, Bragg, Callicott, Chiles, Collier, Copeland, Davidson, Davis (Cocke), Duer, Ferguson, Fowlkes, Gunnels, Haley, Harrill, Hassell, Haun, Herron, Hillis, Hubbard, Joyce, Knight, McDaniel, Niceley, Nuber, Peroulas, Draper, Phillips, Pinion, Rhinehart, Shirley, Sipes, Tullos, Venable, Walley, Whitson, Williams (Union), Wix, Wood -- 38.

Representatives present and not voting were: Hargrove, McKee, Robinson (Hamilton) -- 3.

Rep. Rigsby moved to amend as follows:

Amendment No. 6

Amend House Bill No. 774 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 67-4-409, is amended by adding the following new subsection:

() Notwithstanding the provisions of this section, the tax levied in subsection (a) shall not apply to homes with the fair market value of seventy-five thousand dollars (\$75,000) or less.

Rep. Odom moved that Amendment No. 6 be tabled, which motion failed by the following vote:

Ayes.	37
Noes.	52
Present and not voting.	3

Representatives voting aye were: Allen, Armstrong, Bivens, Byrd, Callicott, Chiles, Cole, Crain, Cross, Davidson, Davis (Knox), Garrett, Givens, Hillis, Holt, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, Napier, Odom, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Washington), Severance, West, Whitson, Williams (Shelby), Wix -- 37.

Representatives voting no were: Anderson, Arriola, Bell, Bittle, Bragg, Buck, Chumney, Collier, Copeland, Curlee, Davis (Cocke), Davis (Gibson), DeBerry, Duer, Ferguson, Fowlkes, Gunnels,

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Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Holcomb, Hubbard, Jones U (Shelby), Joyce, Knight, Liles, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Rigsby, Robinson (Davidson), Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Walley, Williams (Union), Windle, Wood -- 52.

Representatives present and not voting were: Robinson (Hamilton), Venable, Mr. Speaker Naifeh -- 3.

Rep. Rigsby renewed the motion to adopt Amendment No. 6.

Rep. Rhinehart moved to reject Amendment No. 6, which motion failed by the following vote:

Ayes.	42
Noes.	46
Present and not voting.	2

Representatives voting aye were: Allen, Armstrong, Arriola, Bittle, Bivens, Byrd, Callicott, Chiles, Cole, Copeland, Crain, Cross, Davidson, Davis (Gibson), Ferguson, Garrett, Givens, Hillis, Hubbard, Kent, Kernell, King, Kisber, Love, McAfee, Napier, Odom, Pinion, Pruitt, Purcell, Rhinehart, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Venable, West, Whitson, Williams (Shelby), Winningham, Wix, Mr. Speaker Naifeh -- 42.

Representatives voting no were: Anderson, Bell, Bragg, Buck, Chumney, Collier, Curlee, Davis (Cocke), DeBerry, Duer, Fowlkes, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Holcomb, Holt, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Knight, Liles, McDaniel, McKee, Meyer, Niceley, Peroulas Draper, Phillips, Rigsby, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Walley, Williams (Union), Windle, Wood -- 46.

Representatives present and not voting were: Nuber, Robinson (Hamilton) -- 2.

Rep. Rigsby renewed the motion to adopt Amendment No. 6.

Rep. Shirley moved the previous question, to which Rep. Hillis objected. The previous question motion failed by the following vote:

Ayes.	53
Noes.	37
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Bell, Bragg, Buck, Chiles, Coffey, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Garrett, Haley, Harrill, Hassell, Haun, Head, Hill, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Joyce, Knight, Liles, Love, Meyer, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Pruitt, Ridgeway, Rigsby, Rinks, Robinson

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(Davidson), Robinson (Hamilton), Shirley, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams (Union), Winningham, Wix, Wood -- 53.

Representatives voting no were: Armstrong, Arriola, Bittle, Bivens, Byrd, Callicott, Chumney, Cole, Cross, Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Herron, Hillis, Holcomb, Jones U (Shelby), Kent, Kernell, King, Kisber, McAfee, McKee, Napier, Odom, Rhinehart, Robinson (Washington), Severance, Stamps, Whitson, Williams (Shelby), Windle, Mr. Speaker Naifeh -- 37.

Representatives present and not voting were: Purcell -- 1.

Thereupon, Rep. Rigsby renewed the motion to adopt Amendment No. 6, which failed to be adopted by the following vote:

Ayes.	35
Noes.	55
Present and not voting.	2

Representatives voting aye were: Anderson, Bell, Bragg, Buck, Collier, Copeland, Curlee, Davidson, Davis (Cocke), DeBerry, Duer, Fowlkes, Haley, Halteman, Harrill, Haun, Head, Hill, Holcomb, Joyce, Liles, Meyer, Nuber, Peroulas Draper, Phillips, Rigsby, Shirley, Stamps, Tindell, Tullos, Turner (Shelby), Windle, Winningham, Wix, Wood -- 35.

Representatives voting no were: Allen, Armstrong, Arriola, Bittle, Bivens, Byrd, Callicott, Chiles, Chumney, Cole, Crain, Cross, Davis (Gibson), Davis (Knox), Ferguson, Garrett, Givens, Gunnels, Hargrove, Hassell, Herron, Hillis, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, McKee, Napier, Niceley, Odom, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Sipes, Turner (Hamilton), Venable, West, Whitson, Williams (Shelby), Mr. Speaker Naifeh -- 55.

Representatives present and not voting were: Knight, Walley -- 2.

Thereupon, Rep. Odom moved that **House Bill No. 774**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	50
Noes.	39
Present and not voting.	5

Representatives voting aye were: Allen, Armstrong, Arriola, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Crain, Cross, Davis (Gibson), Davis (Knox), Ferguson, Garrett, Givens, Halteman, Hargrove, Hillis, Holt, Jackson, Johnson, Jones R

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(Shelby), Kernell, King, Kisber, McAfee, McDaniel, Napier, Niceley, Odom, Peroulas Draper, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Stamps, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 50.

Representatives voting no were: Anderson, Bell, Bragg, Collier, Copeland, Curlee, Davidson, Davis (Cocke), DeBerry, Duer, Fowlkes, Gunnels, Haley, Harrill, Hassell, Haun, Herron, Hill, Holcomb, Hubbard, Jones U (Shelby), Joyce, Kent, Liles, Love, McKee, Meyer, Phillips, Purcell, Rigsby, Shirley, Sipes, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Wood -- 39.

Representatives present and not voting were: Head, Knight, Nuber, Robinson (Hamilton), Turner (Hamilton) -- 5.

A motion to reconsider was tabled.

House Bill No. 0861 -- Animals -- Revises classifications and regulations for exotic animals. Amends TCA, Title 70, Ch. 4, Pt. 4.

Rep. Robinson (Davidson) moved that House Bill No. 861 be passed on third and final consideration.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 861 by deleting all the language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 70, Chapter 4, Part 4, is amended by deleting it in its entirety and substituting in lieu thereof the following:

Section 70-4-401. (a) It is unlawful for any person to possess, transport, import, export, buy, sell, barter, propagate or transfer any wildlife whether indigenous to this state or not, except as provided by this part and rules and regulations promulgated by the Tennessee Wildlife Resources Commission pursuant to this part.

(b) No person shall possess Class I or Class II wildlife without having documentary evidence showing the name and address of the supplier of such wildlife and date of acquisition.

Section 70-4-402. The following terms and definitions shall apply in the interpretation and enforcement of this part:

(1) Cage means the primary enclosure in

which an animal is held;

(2) Circus means a public entertainment consisting typically of a variety of performances by acrobats, clowns, and trained animals, but does not include wrestling bears or any type of show in which there is direct contact between the public and a Class I animal except as otherwise provided for in this part;

(3) Commercial propagator means any person or entity in the sale, barter, trade, propagation, or transfer of Class I wildlife and meeting all other applicable license, permit, zoning, and other requirements necessary to conduct business in the city, county, and state where located;

(4) Mobile facility means a facility designed for the transporting of animals or for the holding of animals on a temporary basis;

(5) Native wildlife means those species presently occurring in the wild in Tennessee and those extirpated species that could reasonably be expected to survive in the wild if reintroduced;

(6) Perimeter fence means a secondary fence that prevents the public from touching the cage in which the animal is held;

(7) Permanent exhibitors means those exhibits that are housed the entire year in facilities located within the state of Tennessee;

(8) Personal possession permit means a non-commercial type permit issued to private citizens for ownership or possession of non-breeding animals in small numbers;

(9) Stationary facility means the primary holding facility including cage and barriers that remain in a fixed location; and

(10) Temporary exhibitors means those transient animal acts not permanently located within the boundaries of the state of Tennessee.

Section 70-4-403. Live wildlife, kept and maintained for any purpose, shall be classified in the following five (5) classes:

(a) Class I -- This class shall include all species inherently dangerous to humans. These species may only be possessed by zoos, circuses,

and commercial propagators except as otherwise provided in this part. The following is a listing of animals considered inherently dangerous:

(1) Mammals:

(A) Primates -- Gorillas, orangutans, chimpanzees, gibbons, siamangs, mandrills, drills, baboons, Gelada baboons.

(B) Carnivores:

1. Wolves -- All species.

2. Bears -- All species.

3. Lions, tigers, leopards, jaguars, cheetahs, cougars -- All species.

(C) Order Proboscidea: Elephants -- All species.

(D) Order Perissodactyla: Rhinoceroses -- All species.

(E) Order Artiodactyla: Hippopotamus, African buffalo.

(2) Reptiles:

(A) Order Crocodylia: Crocodiles and alligators -- All species.

(B) Order Serpentes: Snakes -- All poisonous species.

(3) Amphibians: All poisonous species.

(4) The commission in conjunction with the commission of agriculture may add or delete species from the list of Class I wildlife by promulgating rules and regulations.

(b) Class II -- This class shall include all species except those listed in Classes I, III, IV, and V.

(c) Class III -- This class shall require no permits except those required by the department of agriculture and shall include such species that are commonly accepted as pets

(except those native to Tennessee and those species listed in other classes), as the commission, in conjunction with the commissioner of agriculture, may by regulation determine including the following:

(1) Non-poisonous reptiles and amphibians except caimans and gavials.

(2) Rodents -- Gerbils, hamsters, guinea pigs, rats, mice, squirrels, and chipmunks.

(3) Rabbits, hares, moles, and shrews.

(4) Ferrets and chinchillas.

(5) Llamas, alpacas, guanacos, vicunas, cambels, giraffes, and bison.

(6) Avian species not otherwise listed, excluding North American game birds, and species used in falconry.

(7) Semi-domestic hogs, sheep, and goats.

(8) All fish held in aquaria.

(9) Bovidae not otherwise listed.

(10) Marsupials.

(11) Common domestic farm animals.

(12) Equidae.

(13) Primates not otherwise listed.

(14) Bobcat/domestic cat hybrids.

(15) Hybrids resulting from a cross between a Class II species and a domestic animal or Class III species.

(16) Cervidae except white-tailed deer.

(17) Furbearing mammals, including those native to Tennessee, raised solely for the sale of fur.

(d) Class IV -- This class shall include those native species that may be possessed only by zoos and temporary exhibitors; provided that rehabilitation facilities may possess Class IV

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wildlife as provided by rules established by the commission if authorized by letter from the director of the Tennessee wildlife resources agency:

- (1) Black bear (Ursus americanus).
- (2) White-tailed deer (Odocoileus virginianus).
- (3) Wild turkey (Meleagris gallapavo) (Including the eggs thereof).
- (4) Bobcat (Lynx refus).
- (5) Hybrids of a Class IV species other than bobcat shall be Class IV.
- (6) Animals that are morphologically indistinguishable from native Class IV wildlife shall be Class IV.

(e) Class V -- This class shall include such species that the commission in conjunction with the commissioner of agriculture may designate by rules and regulations as injurious to the environment. Species so designated may only be held in zoos under such conditions as to prevent the release or escape of such wildlife into the environment.

Section 70-4-404.

(a) The Tennessee wildlife resources agency shall issue permits for possessing live wildlife as defined in this part.

(b)(1) The Tennessee wildlife resources commission shall adopt reasonable rules for issuing permits to possess live wildlife and establishing the conditions thereof. The conditions shall be directed toward assuring the health, welfare, and safety of animals, the public and, where necessary, the security of facilities in which the animals are kept.

(2) The director of the agency may authorize by letter permission to possess any class of wildlife for approved research studies or for the temporary holding of animals in the interest of public safety.

(c) Class I wildlife.

(1) Persons legally possessing Class I

wildlife prior to the effective date of this part shall obtain annually a personal possession permit to keep such Class I wildlife. To obtain a personal possession permit, such persons shall comply with all of the provisions of this part. After the effective date of this part, no new animals shall be brought into possession under authority of a personal possession permit. However, progeny of such wildlife may be legally possessed by the holder of the personal possession permit for a period of time not to exceed six (6) months after the birth of such progeny if:

(A) Such wildlife was pregnant with such progeny prior to the effective date of this act; or

(B) Such wildlife was impregnated on or after the effective date of this act by other wildlife legally held in the possession of the permit holder. After such six-month period, such progeny shall be disposed of out of state or as otherwise permitted pursuant to the provisions of this part.

(2) The executive director shall issue a permit upon a satisfactory showing of qualifications to possess live wildlife under the following conditions:

(A) The applicant must be at least twenty-one (21) years of age.

(B) The applicant must have at least two (2) years of experience in the handling or care of the Class I species for which the applicant is applying, or in the alternative, must take a written examination, developed and administered by the Tennessee wildlife resources agency, evidencing basic knowledge of the habits and requirements, in regard to proper diet, health care, exercise needs, and housing of the species to be covered by the permit. Experience gained while in violation of this part shall not be considered qualifying experience.

(C) The facilities for holding Class I wildlife must be located on the premises on which the permit holder

resides or shall have a full-time resident caretaker to supervise the care and security of the facilities. Facilities for Class I animals may not be on premises of less than one (1) acre for a personal possession permit and three (3) acres for a commercial propagator facility permit, and may not be located in a multi-unit dwelling or trailer park.

(D) The applicant must have a plan for the quick and safe recapture of the wildlife, or if recapture is impossible, for the destruction of any animal held under the permit. The applicant must have the legal authority to possess weapons or other equipment necessary to carry out the plan and in fact possess such weapons or other equipment.

(3) The permittee shall control and maintain Class I wildlife at all times in such a manner as to prevent direct exposure or contact between the animal(s) and the public, provided that a trained elephant may be brought into contact with the public under the close supervision of a qualified trainer or handler.

(d) No person shall hold live wildlife in captivity without first obtaining the appropriate permit as provided in this part. The annual permits and fees for holding live wildlife are as follows:

(1) PERSONAL POSSESSION -- Class I -- \$150/animal or \$1,000/facility.

PERSONAL POSSESSION -- Class II -- \$10.00/animal or \$100/facility.

(2) TRANSFER OF OWNERSHIP -- A permit for transferring any Class I or II animal held under a personal possession permit. Provided that if the transfer of the animal is ordered by the agency, no transfer permit shall be required.

(3) COMMERCIAL PROPAGATOR -- \$1,000/facility for Class I wildlife.

(4) PROPAGATOR--\$25.00/facility small game birds and waterfowl; \$100/facility for

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all Class II wildlife except small game birds and waterfowl.

(5) IMPORTATION -- \$10.00/shipment or \$100 annual.

(6) TEMPORARY EXHIBITOR -- \$100/30 day period.

(7) PERMANENT EXHIBITOR -- \$500/year/facility.

(8) COMMERCIAL WILDLIFE PRESERVE -- \$150/year big game; \$75.00/year small game.

(9) FALCONRY -- \$40.00/year or other time period as might coincide with federal permit requirements.

(10) QUALIFICATION EXAMINATION - \$10.00/exam.

(11) ZOOS, NATURE CENTERS, REHABILITATION CENTERS, AND EDUCATIONAL EXHIBITS CERTIFIED AS NONPROFIT -- No Charge.

Section 70-4-405.

(a) Wildlife housed in dangerously unsafe conditions constituting a threat to human safety shall at the direction of agency personnel, be placed in agency approved facilities at the owner's expense.

(b) Any condition which results in wildlife escaping from its enclosure, cage, leash or other constraint shall be considered maintaining wildlife in an unsafe manner and shall be a violation of this part.

(c) Cages shall be sufficiently strong to prevent escape and to protect the caged animal from injury.

(d) No person shall maintain any wildlife in captivity in any unsanitary or unsafe condition or in a manner which results in the maltreatment or neglect of such wildlife nor shall any species of wildlife be confined in any cage or enclosure which does not meet the cage specifications.

(e) Enclosure in which wildlife is held in captivity shall be maintained as follows:

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(1) Water -- Drinking water shall be provided daily in clean containers. Swimming or wading pools shall be cleaned as needed to ensure good water quality. Enclosures shall provide adequate drainage of surface water.

(2) Food -- Food provided shall be unspoiled and not contaminated.

(3) Waste -- Fecal and food waste shall be removed from cages daily and stored or disposed of in a manner which prevents noxious odors or insect pests. Hard floors shall be scrubbed and disinfected weekly. Large pens and paddocks with dirt floors shall be raked every three (3) days and the waste removed.

(f) The commission may promulgate rules and regulations requiring specific cage requirements for any species of live wildlife.

(g) Stationary facilities -- Class I wildlife.

(1) All stationary facilities must be surrounded by a perimeter fence (secondary barrier) of at least eight (8) feet in height and a minimum of four (4) feet from the cage holding the animal, or such other fencing, building, or other protection of the enclosure where the animal is kept sufficient to prevent unauthorized public entry or direct physical contact between the animal and the public.

(2) All cages shall be well braced and securely fastened to the floor or in the ground and shall utilize metal clamps, or braces of equivalent strength as that prescribed for cage construction.

(3) All cage entrances shall have double safety doors, one (1) of which only opens to the inside. These doors must remain locked at all times when unattended with chains and locks of sufficient strength to prevent the animal from breaking open the door if highly excited.

(4) All cages shall be constructed with a den, nest box or other connected housing unit that can be closed off and locked with the animal inside for the safe

servicing and cleaning of the open area. In lieu of a nest box, a divided cage with a door between the two (2) compartments may be used.

(5) All outdoor cages shall provide adequate shelter from inclement weather conditions, shade from the sun and provide for the protection and health of the wildlife held.

(6) The mesh size or distance between bars shall be sufficiently small to prevent the escape of the animal being held.

(7) The above requirements shall be deemed to have been met by restraints consisting of a barrier system of moats or other structures as are commonly accepted by AAZPA as suitable to restrain and contain the animal in question. Any moat system utilized, whether wet or dry, shall be sufficient to prevent escape of the animal.

(8) Restraint by tethering cannot be used as a means to hold an inherently dangerous animal in captivity except for elephants within a perimeter fence or trained elephants under the immediate supervision of a qualified trainer or handler.

(9) All animals shall be kept in cages which meet the following minimum criteria, or shall be housed in buildings in which the strength of the walls, and the restraints affixed to all windows, doors, and other means of entry or exit in effect meet such minimum criteria:

(A) Felidae and Ursidae.

(i) All cages shall be constructed of and covered at the top with nine (9) gauge steel chain link or equivalent with tension bars and metal clamps to prevent the escape of the animal; provided that animals, except tigers, leopards, and jaguars, may be held in facilities without a top where the sides of the cages are a minimum of eleven feet

(11') high with the top three feet (3') of fencing inturned at a forty-five degree (45°) angle. No structures which could provide potential escape routes may be present near the fence of an open top cage.

(ii) All cages for cougars and cheetahs shall be constructed as specified above except that minimum strength shall be of eleven and one half (11 1/2) gauge steel chain link or equivalent.

(B) Canidae -- All cages shall be constructed of and be covered at the top with eleven and one-half (11 1/2) gauge steel chain link or equivalent with tension bars and metal clamps to prevent the escape of the animal; provided that animals may be held in facilities without a top where the sides of the cage are a minimum of nine feet (9') high with the top three feet (3') of fencing inturned at a forty-five degree (45°) angle.

(C) Elephants, rhinoceros, hippopotamus and African buffalo:

(i) Construction materials shall consist of steel bars, masonry block or equivalent. If masonry block construction is used, the holes in the blocks must be filled with steel reinforced concrete to provide sufficient strength.

(ii) Restraints consisting of a barrier system of moats or other structures as are commonly accepted as suitable to restrain and contain these animals in paddocks or corals may be used in lieu of a cage.

(D) Poisonous animals --
Poisonous animals shall be kept in a cage or in a glass enclosure sufficiently strong, and in the case of

a cage, of small enough mesh to prevent the animals escape. The cage or glass enclosure must be kept inside an outer cage or glass enclosures must be kept locked at all times. No person except the permittee or such person's authorized employee shall open any cage or other container which contains poisonous animals. Persons keeping poisonous animals shall have in their possession antivenin for each species possessed.

(E) Chimpanzees, gorillas, orangutans -- Cage construction materials shall consist of steel bars, two-inch galvanized pipe, reinforced masonry block or their strength equivalent.

(F) Drills, mandrills, baboons, Gelada baboons, gibbons, siamange -- Cage construction materials shall consist of not less than nine (9) gauge steel chain link or equivalent.

(G) Alligators and crocodiles -- Cages shall consist of fencing at least five feet (5') in height of not less than eleven and one-half (11 1/2) gauge chain link or equivalent.

(h) Mobile facilities -- No mobile facility shall be used in transporting any wildlife except as follows:

(1) Facilities shall be equipped to provide fresh air without injurious drafts and adequate protection from the elements to all animals.

(2) The animal traveling area shall be free of engine exhaust fumes.

(3) Animal cages shall have openings for the emergency removal of wildlife.

(4) Cages shall be large enough to ensure that each specimen has sufficient room to stand erect and lie naturally.

(5) Wildlife transported in the same cage area shall be in compatible groups.

(6) Facilities used in transporting or

temporarily exhibiting Class I wildlife shall be constructed of steel or case hardened aluminum of sufficient strength to prevent the escape of wildlife being transported. Such facilities shall be constructed in such a manner to prevent contact between the animal(s) and the general public. All doors shall be locked when the facility is in use.

(7) Poisonous reptiles shall only be transported in a strong, closely woven cloth sack, tied or otherwise secured. This sack shall then be placed in a box. The box shall be of strong material in solid sheets, except for small air holes, which shall be screened. Boxes containing poisonous reptiles shall be locked and prominently labeled "Danger Poisonous Snakes" or "Danger Poisonous Reptiles" and shall include the owner's name, address, telephone number and list of number and species being transported.

(8) Temporary exhibits shall be housed in cages that meet the minimum cage specifications as provided in the section on stationary facilities when such wildlife is present in any geographical location for more than ten (10) days.

(9) Prior to entering the state of Tennessee, temporary exhibitors shall submit a schedule that details the exact locations and dates of shows and places where such wildlife will be exhibited while in the state. Failure to provide such a schedule upon application for a permit shall be grounds to deny issuance of such permit.

Section 70-4-406.

(a) Any person who keeps class I wildlife shall be liable for any costs incurred by any person, city, county, or state agency resulting from the escape from captivity of the animal(s).

(b) Neither the state of Tennessee nor any agency, employee, or agent thereof shall be liable for any animal that expires, or is injured or is destroyed. Neither the state of Tennessee nor any agency, employee, or agent thereof shall be liable for any damage or injury caused by live wildlife under a permit issued pursuant to this part.

Section 70-4-407.

(a) Prior to the transfer of any Class I wildlife to a new owner, the prospective owner must provide the seller with proper documentation of an approved holding facility for that species. Proper documentation shall consist of a copy of a current permit for that species or a letter from the Tennessee wildlife resources agency stating that the facilities have been inspected and are approved. Any transfer without approved holding facilities shall be a violation of this part by the seller who shall provide housing for the animal at such seller's cost until the transferee can provide approved facilities or until final court actions are concluded. If the seller does not provide housing, such seller shall be liable for costs incurred by the agency for providing such housing.

(b) Permittees must notify the agency of any transfer of Class I wildlife within five (5) days of the transfer on forms provided by the agency.

Section 70-4-408. Owners of unpermitted wildlife who do not qualify for a permit to possess such wildlife shall dispose of such wildlife to an approved recipient within thirty (30) days of notification by the agency. Each day of possession of unpermitted wildlife after such thirty (30) day period shall constitute a separate violation.

Section 70-4-409. Any person possessing live wildlife in Class I or II shall, during normal business hours and at all reasonable times, and without the necessity of a search warrant, allow the executive director or any officer or employee of the agency to inspect all animals, facilities, and records relating to such animals for the purpose of ensuring compliance with the provisions of this part.

Section 70-4-410.

(a) Before any person may engage in the business of propagating or otherwise obtaining Class I or II wildlife for sale, barter, or trade, whether indigenous to this state or not, such person must obtain and possess a permit for each propagating location.

(b) Any nonresident who enters the state for the purpose of selling Class I or II wildlife species in this state shall also be required to purchase and possess a permit.

(c) All permits under this section shall

comply with all provisions of the United States Code and the Code of Federal Regulations relating to exotic animals, their care, propagation, importation and sale.

(d) Artificially propagated wildlife may be propagated, sold, possessed, released, or exported in accordance with the rules and regulations prescribed by the commission and in the case of migratory birds the regulations prescribed by the federal government.

(e) Only commercial propagators may qualify for a permit to propagate Class I wildlife and may transfer Class I wildlife only to persons or entities approved to possess Class I wildlife. First time commercial propagators shall have one (1) permit year to meet the criteria as defined in Section 70-4-402(3). Renewal of a commercial propagator permit shall be conditional on the permittee having met the definition of a "commercial propagator" during the prior permit year.

Section 70-4-411.

(a) All persons wishing to possess Classes I and II live wildlife obtained outside the state of Tennessee shall have in their possession the importation permit required by this part. The permit and all bills of lading and shipping papers relating to any wildlife which such person may have in his possession shall be open and available for inspection at all reasonable times by authorized agency officers and employees for the purpose of ensuring compliance with the provisions of this part.

(b) Animals brought into this state under the authority of an annual importation permit must be reported to the agency within five (5) days of the date of importation.

(c) An importation permit is required for all interstate movement of live wildlife except Class III, except no permit shall be required for zoos and temporary exhibitors.

Section 70-4-412. It is unlawful to release any class of wildlife in Tennessee except in accordance with the rules and regulations promulgated by the commission.

Section 70-4-413.

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(a) It is unlawful for any person to operate a private wildlife preserve for the purpose of propagating and/or hunting any class of wildlife reared in captivity unless that person shall obtain the appropriate permit and operate such private wildlife preserve in accordance with the rules and regulations promulgated by the commission.

(b) It is lawful to hunt approved species of pen-reared and farm-reared animals on such preserve.

(c) Persons hunting pen-reared animals on such preserve shall not be required to possess a hunting license.

Section 70-4-414.

(a) Before any person may take, transport, or possess raptors for the purpose of falconry, such person shall first obtain a falconry permit in accordance with the rules and regulations promulgated by the commission. This permit shall be supplemental to all other permits and licenses required for hunting as provided in this title, except that a holder of a falconry license may import and possess raptors legally obtained without the necessity of an importation permit.

(b) Rules and regulations promulgated by the commission shall govern the taking, importation, possession and use of raptors and shall require applicants for such permit to satisfactorily pass a written examination attesting to their qualification to possess and use falcons. The rules and regulations may provide for a waiver of the examination if the applicant has satisfactorily passed an examination in any other state which the commission deems comparable to the Tennessee examination. The rules and regulations shall not be less restrictive than federal regulations governing taking, transporting, possessing and using raptors for the purpose of falconry.

Section 70-4-415.

(a) Any officer of the agency, upon finding a violation of the provisions of this part of the terms of the permit or rules and regulations promulgated may take the following action or actions, as appropriate:

(1) Such officer may exercise his

arrest authority or in lieu thereof, issue a finding of violation, along with a warning to remedy the violation by a specified date. Each day's continuation after such date shall constitute a separate violation.

(2) Such officer may give three (3) days written notice seizure to the alleged offender, and make application to a court of proper jurisdiction for an order to seize any items or wildlife held, used or transported in violation of the provisions of this part, permit or rules or regulations; provided that if such officer determines that the public health, safety or welfare imperatively requires emergency action, the notice requirement shall be suspended and such officer may make immediate application to the court for seizure; and provided further, that if the emergency is such that the wildlife presents a present or imminent life threatening situation or is likely to do so under the circumstances, then such officer or any member of the agency who may be present and assisting the officer may destroy such wildlife.

(3) Such officer may take any other reasonable and appropriate actions otherwise provided by law including, but not limited to, the action provided for under Section 70-4-405(a).

(b) Any person violating any provision of this part, including a failure to remedy under subdivision (a)(1), or who violated the terms of any permit or rules and regulations promulgated pursuant to this part shall be guilty of a Class A misdemeanor; provided, further, that in the discretion of the court, and in lieu of or in addition to a fine or a jail sentence, or both, the person's permit may be revoked and such person shall be precluded from applying for or obtaining a permit under this part for a period not to exceed three (3) years.

(c) In the event of revocation of a person's permit, the court shall determine whether or not the items seized pursuant to subdivision (a)(2) shall be ordered forfeited to the state.

(d) When any item or wildlife is forfeited, the court shall enter an order accordingly and

the contraband property shall be sold at public sale by the commissioner of general services or as otherwise provided by rules and regulations, or donated to a worthy recipient. However, upon request of the agency at the trial of the matter, the court, as a part of its order, may direct that specific items or wildlife, which the court has ordered forfeited, be awarded to the agency for use as educational or training purposes.

(e) No item or wildlife seized by the agency may be forfeited or disposed of in the discretion of the court unless the offender has been convicted of the offense charged and all appeals from such conviction have been exhausted. An appeals bond shall be required to cover the cost of holding and maintaining such animals held pending final disposition of the appeal.

Section 70-4-416. Permittees shall immediately notify the agency or local law enforcement officials of any escape of Class I wildlife. Any personal injury inflicted by any species of captive wildlife requiring medical treatment shall be reported to the agency within forty-eight (48) hours of the injury and a complete report provided regarding the nature and circumstances of the injury.

Section 70-4-417. The cost of administration of this part as it relates to wildlife not indigenous to this state shall be borne by the general fund and revenues collected pursuant to this part.

Section 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Niceley moved to amend as follows:

Amendment No. 1 to Amendment No. 1

AMEND House Bill No. 861 by adding to Section 1 the following language and punctuation to end of the amendatory language of Section 70-4-402(3):

. A commercial propagator shall include any person or entity which earns more than one thousand dollars (\$1,000)

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net profit in a calendar year or any person or entity which possesses six (6) or more Class I wildlife at any one time during the calendar year;

AND FURTHER AMEND by deleting subdivision (c)(1) of Section 70-4-404 in the amendatory language of Section 1 in its entirety and by renumbering the subsequent subdivisions accordingly.

AND FURTHER AMEND by adding the following new subdivision to Section 70-4-404(c) in Section 1 to be appropriately designated:

() The permittee shall identify the Class I wildlife in a manner suitable to the species. The permittee shall apply to the Tennessee wildlife resources agency for the identification to be used for the wildlife. Such identification shall be affixed to or embossed on the species in such a manner that permanently identifies the wildlife. The identification shall be registered with the Tennessee wildlife resources agency.

AND FURTHER AMEND by deleting subsection (b) in Section 70-4-403 in Section 1 in its entirety and by substituting instead the following:

(b) Class II -- This class shall include all native species.

AND FURTHER AMEND by adding a new subsection to the end of Section 70-4-403 in Section 1 to be appropriately designated:

() All species introduced in the state not covered by Classes I, II, III, IV, and V, shall be classified jointly by the commissioner of agriculture and the Tennessee wildlife resources commission.

AND FURTHER AMEND by deleting in Section 70-4-404(d)(1) the language:

PERSONAL POSSESSION -- Class I -- \$150/animal or \$1,000/facility

and by substituting instead the language:

PERSONAL POSSESSION -- Class I -- \$150/facility

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Rep. Robinson (Davidson) moved adoption of Amendment No. 1, as amended, which motion prevailed.

Rep. McDaniel moved that Amendment No. 2 be withdrawn, which motion prevailed.

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Rep. Davis (Cocke) moved that Amendment No. 3 be withdrawn, which motion prevailed.

Thereupon, Rep. Robinson (Davidson) moved that **House Bill No. 861**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	78
Noes.	7
Present and not voting.	6

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Cole, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Herron, Hill, Hillis, Holt, Hubbard, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Wix, Wood, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Arriola, Coffey, Harrill, Jackson, Liles, Shirley, Windle -- 7.

Representatives present and not voting were: Chumney, Head, Holcomb, McKee, Rhinehart, Rigsby -- 6.

A motion to reconsider was tabled.

House Bill No. 0053 -- DUI/DWI Offenses -- Authorizes confiscation of motor vehicles of certain DUI offenders; determines distribution of proceeds.

On motion, House Bill No. 53 was made to conform with Senate Bill No. 43.

On motion, **Senate Bill No. 43**, on same subject, was substituted for House Bill No. 53.

Rep. Whitson moved that **Senate Bill No. 43** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 to Amendment No. 1 as follows:

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Amendment No. 2

Senate Bill No. 43 by deleting from the end of the first sentence of subsection (k)(1)(B) of Section 1 of the amendatory language of House Judiciary Committee Amendment 1 the words "that the vehicle would be or was being used to commit such violation" and substituting instead the words "of and consented to the illegal or intended illegal use of such vehicle".

On motion, Amendment No. 2 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 to Amendment No. 1 as follows:

Amendment No. 3

Amend Senate Bill No. 43 by adding the following language at the end of subdivision (k)(1)(D) of the amendatory language of Section 1:

Such forfeiture shall not apply to any cargo or products not otherwise subject to confiscation under any other laws of the state or federal government transported by such vehicle. Such cargo or products shall, upon request, immediately be made available for release to the owner or the transporting agent.

On motion, Amendment No. 3 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 3 to Amendment No. 1 as follows:

Amendment No. 4

AMEND Senate Bill No. 43 by deleting the first sentence of subsection (k)(1) of Section 1 of House Judiciary Committee Amendment 1 and substituting instead the following:

The judge hearing a third or subsequent violation of Tennessee Code Annotated, Section 55-10-401, shall declare the vehicle used in the commission of such offense to be contraband and subject to forfeiture as provided in this subsection.

FURTHER AMEND by deleting the first sentence of subsection (k)(2) of Section 1 of House Judiciary Committee Amendment 1 and substituting instead the following:

If the judge hearing a third or subsequent violation of Tennessee Code Annotated, Section 55-10-401, determines that a vehicle is subject to forfeiture pursuant to this subsection, such judge shall notify or cause to be notified the department of safety, motor vehicle division, to

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determine whether the person using the vehicle to commit such offense is the sole unencumbered owner of such vehicle.

On motion, Amendment No. 4 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 4 to Amendment No. 1 as follows:

Amendment No. 5

AMEND Senate Bill No. 43 by deleting subsection (k)(8) of Section 1 of House Judiciary Committee Amendment 1 and substituting instead the following:

(8) At all hearings provided for by this subsection, the court shall cause a record of the evidence adduced at such hearing to be taken and maintained. Such record may be a stenographic record taken by a stenographer or court reporter or may be one taken by a tape or video recorder. The claimant shall be entitled to a copy of such record, upon application therefor, and upon paying the reasonable cost thereof to be fixed by the court.

On motion, Amendment No. 5 was adopted.

Rep. Whitson moved that **Senate Bill No. 43**, as amended, be passed on third and final consideration.

Rep. Jackson moved to amend as follows:

Amendment No. 6

Amend Senate Bill No. 43 by deleting the word "shall" in subdivision k(1) in the amendatory language of Section 1 and by substituting instead the word "may".

Rep. Whitson moved that Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes.	53
Noes.	38

Representatives voting aye were: Allen, Anderson, Bittle, Bivens, Buck, Byrd, Chiles, Coffey, Cole, Curlee, Davidson, Davis (Cocke), Duer, Ferguson, Garrett, Givens, Haley, Halteman, Hargrove, Hassell, Haun, Hill, Hillis, Holcomb, Holt, Hubbard, Johnson, Kent, Liles, McAfee, McDaniel, McKee, Napier, Odom, Peroulas Draper, Phillips, Pinion, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Washington), Shirley, Stamps, Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood -- 53.

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Representatives voting no were: Armstrong, Arriola, Bell, Bragg, Callicott, Chumney, Collier, Crain, Davis (Gibson), DeBerry, Fowlkes, Gunnels, Harrill, Head, Herron, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, King, Kisber, Knight, Love, Meyer, Nuber, Pruitt, Purcell, Rinks, Robinson (Hamilton), Severance, Sipes, Tindell, Tullios, Turner (Hamilton), West, Wix, Mr. Speaker Naifeh -- 38.

Rep. Duer moved the previous question, which motion prevailed by the following vote:

Ayes.	63
Noes.	20
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Bittle, Bivens, Buck, Byrd, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Duer, Ferguson, Garrett, Givens, Haley, Halteman, Hargrove, Hassell, Haun, Hill, Hillis, Holcomb, Holt, Hubbard, Johnson, Joyce, Kent, Love, McAfee, McKee, Meyer, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Tullios, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wood -- 63.

Representatives voting no were: Bell, Callicott, Chumney, DeBerry, Fowlkes, Harrill, Head, Herron, Jones R (Shelby), Jones U (Shelby), King, Kisber, Knight, Robinson (Hamilton), Stamps, Tindell, Turner (Shelby), Williams (Shelby), Wix, Mr. Speaker Naifeh -- 20.

Representatives present and not voting were: Kernell -- 1.

Thereupon, Rep. Whitson moved that **Senate Bill No. 43**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	82
Noes.	12

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Johnson, Joyce, Kent, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 82.

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Representatives voting no were: Armstrong, DeBerry, Head, Jackson, Jones R (Shelby), Jones U (Shelby), Kernell, King, Knight, Pruitt, Turner (Shelby), Wix -- 12.

A motion to reconsider was tabled.

House Bill No. 1268 -- Railroads -- Increases supervision fees charged for inspection. Amends TCA 65-3-201.

On motion, House Bill No. 1268 was made to conform with Senate Bill No. 698.

On motion, **Senate Bill No. 698**, on same subject, was substituted for House Bill No. 2368.

Rep. Givens moved that **Senate Bill No. 698** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Givens moved that **Senate Bill No. 698** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	85
Noes.	6
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Buck, Byrd, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Bragg, Callicott, Head, Herron, Sipes, West -- 6.

Representatives present and not voting were: Chumney -- 1.

A motion to reconsider was tabled.

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REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to no on Senate Bill No. 698 and have this statement entered in the Journal.

Rep. John Arriola

REGULAR CALENDAR, CONTINUED

House Bill No. 0882 -- Taxes, Sales -- Exempts certain items. Amends TCA, Title 67, Ch. 6, Pt. 3.

On motion, House Bill No. 882 was made to conform with Senate Bill No. 1107.

On motion, Senate Bill No. 1107, on same subject, was substituted for House Bill No. 882.

Rep. Bittle moved that Senate Bill No. 1107 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Gunnels moved to amend as follows:

Amendment No. 2

AMEND Senate Bill No. 1107 by adding the following new section:

SECTION _____. Tennessee Code Annotated, Section 67-6-329(a), is amended by deleting items (3) and (4) in their entirety.

AND FURTHER AMEND by adding the following new section:

SECTION _____. Tennessee Code Annotated, Title 67, Chapter 6, Part 3 is amended by adding the following new section:

Notwithstanding the provisions of any other law, no tax exemption shall exist for charges made and received for professional services; except that exemptions may be created and exist for medical services.

Rep. Bittle moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes.	70
Noes.	20

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Representatives voting aye were: Armstrong, Arriola, Bittle, Bivens, Bragg, Chumney, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Ferguson, Fowlkes, Givens, Halteman, Hargrove, Harrill, Hassell, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, Meyer, Napier, Niceley, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Turner (Shelby), Venable, Walley, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Allen, Anderson, Bell, Byrd, Callicott, Chiles, Copeland, Duer, Haley, Haun, Johnson, Jones U (Shelby), McKee, Phillips, Rinks, Stamps, Tullos, Turner (Hamilton), West, Windle -- 20.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on the motion to table Amendment No. 2 to Senate Bill No. 1107 and have this statement entered in the Journal.

Rep. John Mark Windle

REGULAR CALENDAR, CONTINUED

Rep. Gunnels moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Bittle moved that Senate Bill No. 1107 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson,

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Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Sipes -- 1.

A motion to reconsider was tabled.

House Bill No. 0944 -- Public Service Commission -- Expands permissible number of radio common carrier operators per territory to four. Amends TCA, Title 65.

Rep. Moore moved that House Bill No. 944 be reset one week to the Calendar for Wednesday, May 1, 1991, which motion prevailed.

***House Bill No. 0558** -- Bond Issues -- Authorizes bond issue of \$5 million for state parks.

Rep. McAfee moved that House Bill No. 558, be reset to the Calendar for Wednesday, May 1, 1991, which motion prevailed.

***House Bill No. 0559** -- Motor Vehicles, Titling and Registration -- Increases certificate of title registration fee to fund certain projects relative to state parks. Amends TCA 55-6-101.

Rep. McAfee moved that House Bill No. 559 be reset to the Calendar for Wednesday, May 1, 1991, which motion prevailed.

MESSAGE FROM THE SENATE

April 24, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 220; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0220 -- Memorials, Recognition and Thanks -- Michael Cannon. by *Cohen.

MESSAGE FROM THE SENATE

April 24, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 222; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0222 -- Memorials, Professional and Business Achievement -- Erma Clanton, "An Evening of Soul". by *Cohen.

MESSAGE CALENDAR

FURTHER ACTION ON HOUSE AMENDMENTS

Senate Bill No. 0100 -- Financial Disclosure -- Requires disclosure of the identity of persons purchasing certain communications which seek to influence governmental decisions. Amends TCA 2-19-120.

Rep. Bragg moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1 to **Senate Bill No. 100**, which motion prevailed.

***Senate Bill No. 0268** -- Education -- Revises school attendance laws if a person owns real property located in more than one county. Amends TCA, Title 49, Ch. 6.

Rep. Collier moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14, 15, 16, 17 and 18 to **Senate Bill No. 268**, which motion prevailed.

***House Bill No. 0616** -- Insurance, Health, Accident -- Absolves insurance carrier from additional liability if settlement entered into prior to perfection of hospital lien. Amends TCA, Title 29, Ch. 22.

Rep. Buck moved that House Bill No. 616 be reset to the Message Calendar for Thursday, April 25, 1991, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1333 -- Motor Vehicles -- Imposes \$1,000 fine for violating maximum bus length law. Amends TCA, Title 55, Ch. 7, Pt. 2.

Senate Amendment No. 1

Amend House Bill No. 1333 by inserting in the amendatory language of Section 1 the language "and Section 55-7-201(c)" between the figures "55-7-204" and the comma ",".

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 1, to **House Bill No. 1333**, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee,

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Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. Cross moved to lift from the table the motion to reconsider Senate Bill No. 1521, which motion prevailed.

***Senate Bill No. 1521 -- Eminent Domain --** Authorizes acquisition of certain properties by condemnation or eminent domain for certain preservation purposes in Scott and Campbell counties. Amends TCA 11-14-401, 407.

Rep. Cross moved to reconsider action in passing Senate Bill No. 1521, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 1. On motion, Amendment No. 1 was withdrawn.

Rep. Cross moved that Senate Bill No. 1521 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

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UNFINISHED BUSINESS

MOTION

Rep. Chiles moved to suspend Rule No. 59 so that Senate messages lying on the desk, where notice has been given, will be placed on the next Message Calendar unless the member requests otherwise, which motion prevailed.

BILL RECALLED

Rep. Robinson (Davidson) moved to suspend Rule No. 53 for the purpose of recalling House Joint Resolution No. 149 from the Calendar and Rules Committee for immediate consideration, which motion prevailed.

***House Joint Resolution No. 0149** -- General Assembly, Studies -- Creates joint committee to study safe and responsible operation of motor vehicles.

On motion, the rules were suspended for the immediate consideration of the resolution.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 149 by deleting the first, second, and third resolving clauses of the printed resolution and substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That there is hereby created a special committee to study recent efforts to reduce drunken driving in Tennessee, the impact that these enactments have had on reducing drunken driving, what efforts the states have made in this area, what other actions this state should take, and what the situation is relative to automobile insurance among persons convicted of driving under the influence.

BE IT FURTHER RESOLVED, That the committee shall consist of three (3) members of the House of Representatives, including two (2) from the Transportation Committee, and three (3) members of the Senate, including two (2) from the Transportation Committee, to be appointed by the respective speakers.

On motion, Amendment No. 1 was adopted.

On motion of Rep. Robinson (Davidson), the resolution as amended was adopted.

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A motion to reconsider was tabled.

RULES SUSPENDED

Rep. King moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 220 out of order, which motion prevailed.

Senate Joint Resolution No. 0220 -- Memorials, Recognition and Thanks -- Michael Cannon.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. King, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. R. Jones moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 222 out of order, which motion prevailed.

Senate Joint Resolution No. 0222 -- Memorials, Professional and Business Achievement -- Erma Clanton, "An Evening of Soul".

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. R. Jones, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Whitson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 214 out of order, which motion prevailed.

Senate Joint Resolution No. 0214 -- Memorials, Professional and Business Achievement -- Ball Zinc Products, Governor's Award for Excellence.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Whitson, the resolution was concurred in.

A motion to reconsider was tabled.

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NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on Monday, April 29, 1991:

Senate Bill No. 589: Rep. Clark.

House Bill No. 988: Rep. Callicott.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 53: Rep(s). Johnson, Moore, Sipes and Williams (Union) as prime sponsor(s).

House Bill No. 322: Rep(s). Davis (Gibson) as prime sponsor(s).

House Bill No. 326: Rep(s). King as prime sponsor(s).

House Bill No. 757: Rep(s). Tindell as prime sponsor(s).

House Bill No. 764: Rep(s). Turner (Hamilton) as prime sponsor(s).

House Bill No. 774: Rep(s). Jackson as prime sponsor(s).

House Bill No. 963: Rep(s). Moore as prime sponsor(s).

House Bill No. 1382: Rep(s). Head as prime sponsor(s).

House Bill No. 1396: Rep(s). Kent as prime sponsor(s).

House Bill No. 1431: Rep(s). Stamps as prime sponsor(s).

House Joint Resolution No. 16: Rep(s). West as prime sponsor(s).

House Joint Resolution No. 149: Rep(s). Robinson (Davidson) as prime sponsor(s).

House Joint Resolution No. 275: Rep(s). West as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep. Sipes was removed as sponsor of **House Bill No. 1266**.

On motion, Rep. Davidson was removed as sponsor of **House Bill No. 1458**.

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INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Resolution No. 0069 -- Memorials, Congratulations -- Bolivar Central High School Business Professionals of America parliamentary procedure team. by *Walley.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0070 -- Memorials, Interns -- Robert Lynn Bowman. by *Hill.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0288 -- Memorials, Sports -- Unicoi County High School girls' basketball team. by *Whitson.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0289 -- Memorials, Interns -- Cassandra Tyiese Ferguson. by *Haley, *Kent.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0290 -- Memorials, Sports -- Milligan College men's basketball team. by *Allen, *Whitson, *Cole.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0291 -- Memorials, Professional Achievement -- Michael Dun Center, 20th Anniversary. *Ferguson.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0292 -- Memorials, Sports -- Coach Harold Johnson. by *Joyce.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0293 -- Memorials, Sports -- Lakeview Junior High School boys' basketball team. by *Collier.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0295 -- Memorials -- Helene Gunilla Lundquist. by *Rigsby.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0296 -- Naming and Designating -- Rozella Peebles Day, April 4, 1991. by *Purcell.

Referred by the Speaker to the Calendar and Rules Committee.

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House Joint Resolution No. 0297 -- Memorials, Public Service -- Mary Knight Clinard. by *Purcell.

Referred by the Speaker to the Calendar and Rules Committee.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

On motion, the resolutions listed were referred as noted:

Senate Joint Resolution No. 0212 -- Memorials, Public Service -- Soddy-Daisy High School, Renaissance Education Foundation.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0215 -- Memorials, Interns -- Tom Hansom.

Referred by the Speaker to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1590 -- Williamson County -- Revises Adequate Facilities Tax Act. Amends Chapter 118, Private Acts of 1987, as amended. by *Callicott, *Liles.

Passed first consideration.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 78**, having been prefiled for introduction, House Bill(s) No(s). 1591, 1592 and 1593, was/were referred to the Delayed Bills Committee.

***House Bill No. 1591** -- Highways, Roads and Bridges -- Puts Scott County under Uniform County Highway Law. Amends TCA 54-7-104.

***House Bill No. 1592** -- Courts, General Sessions -- Authorizes counties with charter form of government to establish general sessions courts. Amends TCA 16-15-101.

***House Bill No. 1593** -- County Government -- Increases membership of Knox County board of adjustment and enforcement. Amends TCA 13-7-106.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the

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House, were held on the Clerk's desk as noted:

Senate Bill No. 0176 -- Sunset Laws -- Extends termination date of sentencing commission. Amends TCA, Title 4, Ch. 29; Title 40, Chs. 34, 35, 37; Title 41, Ch. 21. (*HB 0161).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0391 -- Crime, Victims of --** Requires district attorney general to notify victim of parole eligibility hearing of certain inmates. Amends TCA, Title 40. (HB 0624).

Held pending third consideration of companion House Bill.

Senate Bill No. 0795 -- Motor Vehicles -- Prohibits transporting certain persons in certain motor vehicles. Amends TCA, Title 55, Ch. 8, Pt. 1. (*HB 0480).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1146 -- Motor Vehicles, Titling and Registration --** Requires commercial motor vehicles to be titled in county of main office or county of incorporation. Amends TCA 55-4-105. (HB 0661).

Held pending third consideration of companion House Bill.

Senate Bill No. 1170 -- Public Officials -- Increases penalty for filing false fee statements from Class E to Class D felony. Amends TCA, Title 8. (*HB 0077).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1309 -- Real Estate Agents and Brokers --** Delays requirement of licensure for real estate appraisers from July 1, 1991 to December 31, 1991. Amends TCA, Title 62, Ch. 39. (HB 1061).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1402 -- Public Records --** Authorizes destruction of certain records without necessity of duplication by county public records commission. Amends TCA 10-7-403, 404, 406, 411, 413, 10-7-502, 503. (HB 1383).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1542 -- Metropolitan Government --** Authorizes Nashville-Davidson County to have metropolitan hospital authority. Amends TCA, Title 7, Ch. 57. (HB 1544).

Held pending third consideration of companion House Bill.

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HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

***House Bill No. 1557** -- Hospitals and Health Care Facilities -- Passed second consideration and referred to the Health and Human Resources Committee.

House Bill No. 1586 -- Telecommunications -- Passed second consideration and referred to the Commerce Committee.

***House Bill No. 1587** -- Gas, Petroleum Products, Volatile Oils -- Passed second consideration and referred to the Conservation and Environment Committee.

House Bill No. 1589 -- Lexington -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES
April 24, 1991**

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1589.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
April 24, 1991**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Thursday, April 25, 1991: House Resolution(s) No(s). 69 and 70; House Joint Resolution(s) No(s). 288, 289, 290, 291, 292, 293, 295, 296 and 297; House Bill(s) No(s). 1589; also, Senate Joint Resolution(s) No(s). 195, 198, 199, 212 and 215.

PHILLIPS, Chair.

**MESSAGE FROM THE SENATE
April 24, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1569; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

WEDNESDAY, APRIL 24, 1991 -- THIRTY-NINTH LEGISLATIVE DAY

**SIGNED
April 24, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 1569.

**SIGNED
April 24, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 27, 156, 623, 717, 855, 937, 1151, 1240 and 1282; House Joint Resolution(s) No(s). 118, 241, 244, 250 and 251; also, House Resolution(s) No(s). 59, 60, 61, 62, 63, 64 and 68.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENGROSSED BILLS
April 24, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1571, 1580, 1584 and 1588; also, House Joint Resolution(s) No(s). 273, 275, 277, 278, 282, 283, 284, 285, 286, 287 and 294; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENGROSSED BILLS
April 24, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 312, 566, 699, 796 and 935; also, House Joint Resolution(s) No(s). 16, 33, 34, 100, 106, 131, 146, 236, 237, 269 and 279; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 24, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 655, 1564, 1575 and 1582; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE
April 24, 1991

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 70, 255, 257, 259, 261, 263 and 264; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 24, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 27, 226, 439, 443, 462, 515, 602, 981, 1011, 1026, 1034, 1401, 1459 and 1474; also, Senate Joint Resolution(s) No(s). 154, 178, 181, 183, 184, 185, 190, 193, 194, 203, 205 and 207; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 24, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 27, 156, 623, 663, 717, 855, 937, 1151, 1240, 1282, 1555, 1560 and 1572; also, House Joint Resolution(s) No(s). 118, 228, 229, 230, 233, 235, 241, 244, 250, 251 and 258; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 24, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1175; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 24, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 294; substituted for Senate Bill(s) on same subject(s),

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amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 24, 1991

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 461; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS
April 24, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 774, 861 and 1173; also, House Joint Resolution(s) No(s). 149; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 24, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 105, 202 and 204; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Joint Resolution No. 0105 -- Highway Signs -- Veterans Parkway, portion of U.S. Highway 11-E. by *Crowe.**

Senate Joint Resolution No. 0202 -- Memorials, Personal Occasion -- Senator and Mrs. Ernest Crouch, 50th wedding anniversary. by *Cooper, et al.

Senate Joint Resolution No. 0204 -- Memorials, Personal Achievement -- Carole Joyce Turner Maness, Chevalier dans l'Ordre des Palmes Academiques. by *Person.

MESSAGE FROM THE SENATE
April 24, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 582, 645, 715, 846, 1009, 1063, 1079, 1275, 1421,

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1424, 1449 and 1456; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0582** -- Judicial Officers -- Increases fees for certain services. Amends TCA 8-21-401, 30-2-306, 314, 55-8-132, 67-8-406. by *Kyle.

Senate Bill No. 0645 -- State Government -- Enacts "Reduction of Waste in Government Act". by *Cohen, *Crowe.

Senate Bill No. 0715 -- Metropolitan Government -- Increases penalty for violation of adult entertainment laws from \$50 fine to Class C misdemeanor. Same as SB 788. Amends TCA, Title 7. by *Hicks, *Haynes.

***Senate Bill No. 0846** -- Contractors -- Makes general contractors provisions applicable statewide. Amends TCA 62-6-102. by *Albright.

***Senate Bill No. 1009** -- Evidence -- Revises various provisions of TCA to conform to rules promulgated by supreme court. by *Person.

***Senate Bill No. 1063** -- Firefighters -- Creates presumption for certain full time firefighters that condition of cancer arose from course of employment. Amends TCA, Title 7, Ch. 51, Pt. 2. by *Haynes.

***Senate Bill No. 1079** -- Tennessee Housing Development Agency -- Expands programs concerning affordable housing; changes priorities of fixtures to prior recorded mortgage. Amends TCA, Title 13, Ch. 23, 47-9-313. by *Haynes, *Darnell, *Cohen, *McNally, *McKnight.

***Senate Bill No. 1275** -- District Attorneys -- Authorizes employment of additional assistant district attorneys general and criminal investigators in 3rd judicial district. Amends TCA 16-2-506. by *Lawson, *Greer.

***Senate Bill No. 1421** -- Pest Control -- Removes provision stating rules promulgated under Tennessee Pest Control Operators Act of 1972 are rules under Tennessee Application of Pesticides Act of 1978. Amends TCA, Title 62, Ch. 21. by *Elsea, *Person.

***Senate Bill No. 1424** -- Junk Dealers and Junkyards -- Repeals requirement that commissioner of transportation submit annual report to general assembly on junkyard control. Amends TCA 54-20-111. by *McKnight.

Senate Bill No. 1449 -- Solid Waste Disposal -- Extends from two years to thirty months time for state planning office to distribute guidelines concerning waste reduction and recyclable materials. Amends TCA, Title 68, Chs. 31, 33. by *O'Brien.

Senate Bill No. 1456 -- Deeds -- Requires additional information

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on legal description of certain deeds of conveyance of real property. Amends TCA 66-24-121. by *Haynes.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, April 25, 1991.